

FUKUDA ET AL. - 10/732,811
Client/Matter: 041283-0307179

REMARKS

Claims 1-4 and 6-16 are pending. By this Amendment, claim 5 is canceled without prejudice or disclaimer and claims 1, 6 and 7 are amended.

In reply to the Election of Species Requirement, Applicants hereby provisionally elect the species of Figures 1 and 2. This election is made with traverse. It is respectfully submitted that claims 1-4, 6-11 and 16 read on the elected species.

It is respectfully submitted that the criteria for a proper Restriction Requirement set forth in MPEP §803 has not been met. In particular, it is respectfully submitted that the search and examination of the entire application can be conducted without a serious burden. MPEP §803 states: "If the search and examination of the entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." (Emphasis added.)

It is respectfully submitted that the search and examination of any one species would necessarily encompass the search and examination for the remaining species. For example, claim 1 recites a fluid machinery including a sliding mechanism comprising one side member composed, in combination, of a metallic base member formed of aluminum alloy having a sliding surface and a lubrication film formed on the sliding surface in close contact thereto. A counterpart side member contains fluorocarbon resin in an amount of at least 50 wt.%, and the lubrication film includes a solid lubricant having a self-lubrication property and a binder of resin material. Claim 12, for example, recites a fluid machinery including a counterpart member comprising a metallic base member having a sliding surface and a lubrication film formed on the sliding surface in close contact thereto. The lubrication film includes a solid lubricant having a self-lubrication property and a binder of resin material. Accordingly, regardless of which species Applicants elect, the search and examination of the entire application requires the search and examination for fluid machinery having a member including a metallic base member having a sliding surface and a lubrication film formed on a sliding surface in close contact thereto, the lubrication film including a solid lubricant having a self-lubrication property and a binder of resin material. Therefore, the search and examination of the entire application can be made without a serious burden.

It is also respectfully submitted that the election of species results in only the restriction of 4 of the original 16 claims.

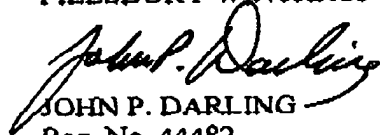
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It is further respectfully submitted that the Election of Species of Requirement should be withdrawn in order to prevent duplicative examination by the Patent Office and unnecessary expense to Applicants.

Reconsideration and withdrawal of the Election of Species Requirement are respectfully requested.

Respectfully submitted,

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